

Appl. No. 10/712,929
Amdt. Dated November 14, 2005
Reply to Office Action of August 11, 2005

REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the amendments made above and the remarks that follow.

The indicated allowability of claims 3-5, 12, 15 and 16 subject to correction of the matters rejected under 35 USC 112, second paragraph, and to include all the limitations of the base claim and any intervening claims is noted and appreciated.

New drawing figure 17 has been submitted under cover of a separate letter to show a cover erected from the blank of figure 13. The blanks defined in claims 17 and 18 are illustrated in original figures 13 and 14, and a cover erected from the blank of figure 14 is shown in original figure 15.

The specification has been amended to correct informalities noted therein, and to include description of the new drawing figure added by this amendment. No new matter has been introduced.

The claims have been carefully reviewed and amended in view of the examiner's comments in rejecting the claims under 35 USC 112, second paragraph, and it is believed that the claims are now in compliance with the requirements of 35 USC 112, second paragraph.

Further, amendments have been made to rejected independent claims 1, 10, 14, 17 and 18 to better define the invention and to clearly patentably distinguish over the art of record. The claims dependent from these claims should also now be patentable and allowable.

Claims 1 and 10 as now amended define structures that are not disclosed or suggested in the art of record, whether the art is considered individually or in combination. The container defined in claim 1 and the blank defined in claim 10 have side walls (claim 1) or side wall panels (claim 10) with free upper edges and end flap panels on opposite ends of the side walls or side wall panels, and at least one notch in an upper edge of the end flap panels that receives a web joining a roll-over panel to an end wall panel, with a hook projecting into the notch to engage an edge of the web to hold the parts in erected position. Neither Heineman nor France '619 discloses this structure. In Heineman a cover panel 10 is foldably joined to the upper edge of

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one of the side walls, and in France '619 partial cover panels 18 are foldably joined to the upper edges of the side walls. Moreover, France '619 does not have any structure corresponding to the end flap panels with at least one notch in their upper edge as called for in the claims as amended.

Since each and every element claimed must be present in a prior art reference to sustain a rejection under 35 USC 102, the rejection of claims 1, 2 and 6-10 under 35 USC 102(b) as clearly anticipated by either Heineman or France '619 should be withdrawn.

The same or similar comments made above with respect to claims 1, 2 and 6-10 apply also with respect to the rejection of claims 1, 2, 6-11 and 13 as clearly anticipated under 35 USC 102(b) by Ruiz et al. The patent to Ruiz et al does not disclose a structure in which the side walls have upper free edges, or in which end panel flaps on the ends of the side walls have at least one notch in their upper edge for receiving the web joining a roll-over panel to the end wall panels, all as now called for in the claims.

Similarly, the rejection of claims 14 and 17 under 35 USC 103(a) as unpatentable over Martinek et al or Royce, each in view of any one of Ruiz et al, Heineman or France '619, should be withdrawn. The cover called for in claim 14, and the blank for making a cover as called for in claim 17, require the cover (claim 14) and the blank (claim 17) to have side walls with a free lower edge, and end flap panels joined to opposite ends of the side walls, with at least one notch in the lower edge of the end flap panels to receive a web joining a roll-over flap to the lower edge of each of the end wall panels. Martinek et al disclose a two-part box comprising a top half and a telescoping bottom half. Neither half has the structure as claimed. In Martinek et al, no notches are formed in the end flap panels of the top part (cover), and in the bottom part the notches are formed in panels on the ends of the end walls. Small locking tabs are cut into the edges of the side walls for engagement in the notches. In the figure 12 embodiment of Martinek et al tabs 30 are formed on the lower edges of roll-over panels on the end walls for engagement in slots in the bottom (or top) wall. Royce does not disclose or suggest any comparable notch and web structure. It is not apparent how Martinek et al or Royce could be modified in view of Ruiz et al, Heineman or France '619 to produce the claimed invention. Any modification of

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Martinek et al or Royce to include the locking structures of Ruiz et al, Heineman or France '619 would not produce the claimed invention, and likely would alter the nature and/or defeat the purpose of the respective inventions disclosed in these patents.

For the above reasons it is believed that the present invention as now claimed is patentable and allowable over the art of record.

Respectfully submitted,

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This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of claims:

1. (currently amended) A paperboard container, wherein the container has a bottom wall, opposite side walls, opposite end walls, and a self-locking arrangement on the end walls for holding the container in an erected condition, wherein comprising:
 - 5 said opposite side walls each have opposite ends and a free upper edge, and an end flap panel on each of said opposite ends of the side walls, said end flap panels each having a free upper edge substantially coplanar with the free upper edge of a respective said side wall, and at least one notch formed in the free upper edge of each said end flap panel and an end wall panel on opposite ends of the bottom wall, said end flap panels and end wall panels folded into overlapping relationship with one another and forming the end walls of
 - 10 the container;
 - an end wall panel is on each of opposite ends of the bottom wall, said end wall panel and said end flap panels at respective opposite ends of the container folded into overlapping relationship with one another and forming the opposite end walls of the container;
 - 15 said end flap panels having at least one notch formed in an upper edge;
 - a roll-over flap is foldably joined by at least one web to said an upper edge of each of the end wall panels, said roll-over flap being and folded inwardly and downwardly over the free upper edges of the respective end flap panels at opposite ends of the container, said at least one web on the upper edge of each said end wall panel having a width less than the
 - 20 width of an associated said end wall panel, and said at least one web on each of the end wall panels being engaged in said at least one notch in the free upper edge of an associated said end flap panel; and
 - a projection is on the upper edge of each said end flap panel panels, extending laterally into a respective said notch and forming a hook which engages an edge of an
 - 25 adjacent said at least one web to retain the webs web in position in the respective notches ~~notch~~ and thereby retain the roll-over flaps flap in inwardly and downwardly folded position.